

SERVICE DATE - JULY 3, 2003

**SURFACE TRANSPORTATION BOARD**

WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT****STB DOCKET NO. AB-55 (Sub. No. 635X)****CSX Transportation, Inc. – Abandonment Exemption –  
in Gratiot County, MI****STB DOCKET NO. AB-364 (Sub. No. 9X)****Mid-Michigan Railroad, Inc. – Discontinuance of Service Exemption – in Gratiot County, MI****BACKGROUND**

In this proceeding, CSX Transportation, Inc. (CSXT), and Mid-Michigan Railroad, Inc. (MMR), (collectively, applicants) jointly filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for CSXT to abandon and MMR to discontinue service over a portion of a line of railroad in Gratiot County, MI. The portion of the rail line proposed for abandonment and discontinuance spans approximately 5.5 miles from Milepost CBE - 40.00 at Alma to Milepost CBE - 45.5 at Elwell. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, CSXT will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

According to the applicants, this line segment was previously owned by the Pere Marquette Railway Company. During 1947, the Chesapeake and Ohio Railway Company acquired the Pere Marquette Railway Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

Applicants state that there has been no local traffic on the line for at least two years, and there is no overhead freight traffic on the line. No new rail oriented business is expected to develop. During prior years the line was used for transporting iron and steel scrap. The proposed abandonment would remove 14 road crossings and the associated signs and structures. The width of the right-of-way is approximately 50 feet from the centerline of the track.

Upon receiving authority to abandon and discontinue service, CSXT's operations and maintenance on its rail line will cease and MMRR will discontinue service over this line. Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. Removal of material will be accomplished by use of the right-of-way for access, along with existing

public and private crossings, and no new access roads are contemplated. The applicants do not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right-of-way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.

## **ENVIRONMENTAL REVIEW**

The applicants submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The applicants served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

There are two CSXT-owned timber trestle bridges which were built in 1924 that are part of the proposed abandonment. The State of Michigan Department of History, Arts and Libraries (Michigan SHPO) has not yet completed their assessment of the potential impact of this project on historic resources, and we, therefore, recommend a condition to address this concern.

The National Geodetic Survey has advised us that seven geodetic station markers have been identified that may be affected by the proposed abandonment.

The State of Michigan Department of Environmental Quality (MI DEQ) has indicated that, under Michigan's Part 301, Inland Lakes and Streams and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, a permit would be required if any dredge or fill is determined to potentially occur in a regulated wetland or if any temporary haul roads or streams crossings are determined necessary. Prior to commencement of any salvage activities on this project, applicants will be required to contact MI DEQ concerning any water quality permitting requirements.

## **CONDITIONS**

We recommend that the following three environmental conditions be placed on any decision granting abandonment authority:

1. Applicants shall retain their interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

2. The National Geodetic Survey (NGS) has identified seven geodetic station markers that may be affected by the proposed abandonment. Therefore, applicants shall notify NGS 90 days prior to salvage activities in order to plan their relocation.
3. To address the concerns raised by the State of Michigan Department of Environmental Quality, applicants shall, prior to commencement of any salvage activities on this project, contact the State of Michigan Department of Environmental Quality, concerning possible impacts on water quality and any water quality permitting requirements.

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-

1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

### **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-55 (Sub No. 635X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at [blodgettk@stb.dot.gov](mailto:blodgettk@stb.dot.gov).

Date made available to the public: July 3, 2003.

Comment due date: **July 18, 2003 (15 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment

